

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

ORIGINAL

(File this application via e-docket, or if unable to do so, file one original verified application with the Chief Clerk.)

Docket No. _____
ICC Office Use Only

Please provide the appropriate information in the () areas in the heading below.

Long Distance of Michigan, Inc. :
d/b/a LDMI Telecommunications :

Application for a certificate of :
local authority :
to operate as a facilities :
based carrier of telecommunications :
services in throughout the :
State of Illinois. :

03-0324

ILLINOIS
COMMERCE COMMISSION
2003 MAY 13 A 11:00
CHIEF CLERK'S OFFICE

**APPLICATION FOR CERTIFICATE TO BECOME A
TELECOMMUNICATIONS CARRIER**
(Use additional sheets as necessary.)

GENERAL

1. Applicant's Name(including d/b/a, if any)

FEIN # 38-2940840

Long Distance of Michigan, Inc. d/b/a LDMI Telecommunications

Address: Street: 8801 Conant Street

City Hamtramck State/Zip MI 48211-1403

2. Authority Requested: (Mark all that apply) X 13-403 Facilities Based Interexchange
 X 13-404 Resale of Local and/or Interexchange
 X 13-405 Facilities Based Local

3. Request for waivers/variances: In applications for local exchange service authority under Sections 13-404 or 13-405, waivers of Part 710 and of Section 735.180 of Part 735 are generally requested. In applications for interexchange service authority under Sections 13-403 and 13-404, waivers of Part 710 and Part 735 are generally requested. Please indicate which waivers Applicant is requesting and explain why Applicant is requesting each waiver/variance.

X Part 710 Uniform System of Accounts for Telecommunications Carriers

LDMI will maintain its books and records in accordance with GAAP.

X Part 735

Procedures Governing the Establishment of Credit, Billing, Deposits, Termination of Service and Issuance of Telephone Directories for Local Exchange Telecommunications Carriers in the State of Illinois

LDMI seeks to maintain consistent procedures governing the establishment of Credit, Billing Deposits, and Terminations of Service throughout its present four state (with Illinois, five state) basic local exchange service region. LDMI also seeks a waiver of Part 735 for Interexchange Services.

 X Section 735.180 Directories

LDMI will provide the incumbent and/or appropriate directory vendors with the necessary details to publish the listing of its customers.

 X Other

Part 250

4. For all applicants requesting local exchange authority under Section 13-404 or Section 13-405, please complete the following:

- (a) the Standard Questions for Applicants Seeking Local Exchange Service Authority found in Appendix A of this document;
- (b) the 9-1-1 Questions for Applicants Seeking Local Exchange Service Authority found in Appendix B of this document;
- (c) the Financial Questions for Applicants Seeking Local Exchange Service Authority found in Appendix C of this document; and,
- (d) if applicable, the Prepaid Service Questions for Applicants Seeking Local Exchange Service Authority found in Appendix D of this document.

Please see the attached Appendices

5. In what area of the state does the Applicant propose to provide service?

LDMI proposes to provide service throughout the State of Illinois, to the extent permitted by law. LDMI does not currently plan to provide local exchange service in those areas where a small of rural local exchange carrier is exempt from the requirements to provide service to competition telecommunications carriers.

6. Please attach a sheet designating contact persons to work with Staff on the following:

- a) issues related to processing this application
- b) consumer issues
- c) customer complaint resolution
- d) technical and service quality issues
- e) "tariff" and pricing issues
- f) 9-1-1 issues
- g) security/law enforcement

Please identify each contact person's (i) name, (ii) title, (iii) mailing address, (iv) telephone number, (v) facsimile number, and (vi) e-mail address.

Please see ATTACHEMENT 1. Please also send copies of all correspondence to our legal counsel as follow:

Henry T. Kelly
Joseph E. Donovan
O'Keefe Ashenden Lyons & Ward
30 N. LaSalle Street, Suite 4100
Chicago, IL 60602
(312) 621-0400
(312) 621-0297
hkelly@oalw.com
jedonovan@oalw.com

7. Please check type of organization?
☐ Individual ☒ Corporation
☐ Partnership Date corporation was formed: May 15, 1990
In what state? Michigan
☐ Other (Specify)

8. Submit a copy of articles of incorporation and a copy of certificate of authority to transact business in Illinois.

Please see ATTACHMENT 2, attached hereto.

9. List jurisdictions in which Applicant is offering service(s).

LDMI is currently authorized to offer basic local exchange and interexchange service in the States of Indiana, Michigan, Ohio and Wisconsin. LDMI has a Certificate of Authority to provide resold interexchange intraMSA and interMSA telecommunications services within the State of Illinois, issued by this Commission on April 12, 1995, in ICC Docket No. 94-0251.

10. Has the Applicant, or any principal in Applicant, been denied a Certificate of Service or had its certification revoked or suspended in any jurisdiction in this or another name?

☐ YES (Please provide details) ☒ NO

11. Have there been any complaints or judgments levied against the Applicant in any other jurisdiction?

☒ YES ☐ NO

If YES, describe fully:

Prior to January 2002, LDMI's Michigan Letter of Authorization for Interexchange service contained a "re-pic" provision under which customers acknowledged that they "authorize[d] LDMI to order changes in and maintenance on specific telecommunications service you provide, including IntraLata service, without limitation to, removing, adding to, or rearranging such telecommunication service. . . . This authorization will remain until otherwise notified. I understand LDMI requires written notification for termination of service." On LDMI's long distance invoices, they further provided customers with notice that "In an effort to protect our customers from the unauthorized and illegal take-over of telephone service known as "slamming", please be advised that LDMI will automatically re-claim your long distance service from other carriers. Written notification of your desire to change carriers is required to validate your intention to change services." Upon formal complaint from two customers, the Michigan Public Service Commission ("MPSC") found that such "re-pic" provisions on a Letter of Authorization did not comply with the MPSC's Procedures for Changing Telecommunications Service Providers and

Section 505 of the Michigan Telecommunications Act, MCL 484.24505. Masters v Long Distance of Michigan, Inc., MPSC Case No. U-13253, Order dated July 10, 2002. Kessler v Long Distance of Michigan, Inc., MPSC Case No. U-13270, Order dated July 10, 2002. After the two complaints were filed, but before the Commission ruled, LDMI worked with the MPSC Staff to revise its Letters of Authorization and policies to fully comply with the intent of the MPSC.

12. Has Applicant provided service under any other name?

 X YES NO

If YES, please list:

LDMI offers service under the names:

LDMI Telecommunications, Inc.;

LDMI Telecommunications;

LDMI; and,

Long Distance of Michigan, Inc.

13. Will the Applicant keep its books and records in Illinois?

 YES X NO

If NO, permission pursuant to 83 Ill. Adm Code Part 250 needs to be requested.

Pursuant to Adm. Code Part 250, LDMI hereby respectfully requests permission to keep its books and records in the State of Michigan at its principal place of business. LDMI will make such records available to the Commission upon request, and will reimburse the Commission for any necessary expenses to review such information.

MANAGERIAL

14. Please attach evidence of the applicant's managerial and technical resources and ability to provide service. This may be in either narrative form, resumes of key personnel, or a combination of these forms.

Please see ATTACHMENT 3.

15. List officers of Applicant.

Patrick O'Leary, Chairman, President & Chief Executive Officer

Michael Mahoney, Chief Financial Officer and Vice President

Michael Skinner, Executive Vice President Data Services

Linda Hanson, Senior Vice President Sales & Sales Operations

Dennis Shaw, Senior Vice President Information Technology

Mark Wayne, Vice President Product Delivery

Jerry Finerock, Vice President Regulatory Affairs

16. Does any officer of Applicant have an ownership or other interest in any other entity which has provided or is currently providing telecommunications services?

_____ YES X NO

If YES, list entity:

17. How will Applicant bill for its service(s)? (At a minimum, describe how often the Applicant will bill for service and details of the billing statement.)

LDMI will directly bill its customers on a monthly basis and will provide detailed billing showing the rates assessed for each service or service package, taxes and any other applicable charges.

18. How does Applicant propose to handle service, billing, and repair complaints? (At a minimum, describe Applicant's internal process for complaint resolution, the complaint escalation process, the timeframe and process by which the customer is notified by Applicant that they may seek assistance from the Commission?)

LDMI maintains its own Customer Service Department which is responsible for handling service complaints and inquires. Applicant's Customer Service Department may be contacted toll-free by calling 800-374-5364. Customers can access this number 24 hours per day, 7 days per week. Customers may also reach the Customer Service Department by writing: LDMI Telecommunications, 8801 Conant Street, Hamtramck, MI 48211-1402.

19. Will personnel be available at Applicant's business office during regular working hours to respond to inquiries about service or billing?

 X YES _____ NO

20. What telephone number(s) would a customer use to contact your company?

800-374-5364

21. Will Applicant abide by all Federal and State slamming and cramming laws pursuant to Section 13-902 of the Public Utilities Act and Section 258 of the 1996 Telecommunications Act?

 X YES _____ NO

22. Please describe applicant's procedures to prevent slamming and cramming of customers?

LDMI's internal policies for ensuring that new customers affirmatively select LDMI as the customer's designated local exchange carrier, confirm paperwork and provide continuing training and supervision of sales agents are as follows: LDMI maintains procedures pursuant to which local exchange carrier change orders are confirmed in one of two ways: (i) through a written letter of authorization ("LOA") obtained from a customer authorizing LDMI to submit a local exchange carrier change order in accordance with the requirements of Section 64.1100(a) of the Rules of the Federal Communications Commission, 47 C.F.R. § 64.1100(1); or, (2) through verification of the customer's desire to initiate a local service change order by an appropriately qualified and independent third party operating in a location physically separate from the telemarketing representative which has obtained the customer's oral authorization to submit the local service change order in accordance with the provisions of Section 61.1100(c) of the Rules of the Federal Communications Commission, 47 C.F.R. § 64.1100(c).

23. If granted authority to operate as a local exchange carrier, will the applicant abide by the following 83 Illinois Administrative Code Parts: 705, 710, 720, 725, 730, 732, 735, 755, 756, 757, 770, and 772?

X YES NO (If no, please provide an explanation.)

24. Is Applicant aware that it must file tariffs prior to providing service in Illinois?

 X YES NO

FINANCIAL

25. Please attach evidence of Applicant's financial fitness through the submission of its most current income statement and balance sheet, or other appropriate documentation of applicant's financial resources and ability to provide service.

Please see ATTACHMENT 4, a copy of the Company's most recent financial statements.

TECHNICAL

26. Does Applicant utilize its own equipment and/or facilities?

 YES X NO

If YES, please list the facilities Applicant intends to utilize. Also include evidence that Applicant possesses the necessary technical resources to deploy and maintain said facilities:

If NO, which facility provider(s)'s services does the Applicant intend to use?

Initially upon offering service, LDMI does not plan to have facilities located in the State of Illinois. LDMI seeks 13-405 Facilities Based Local Authority Certification so that it can provide services through the use of combined unbundled network elements and other equipment and facilities of the incumbent LEC. Such facilities may be used for both switched and private line traffic and will include the provision of local exchange service to business and residential customers. The facilities used by LDMI may be used separately or in conjunction with similar facilities provided by or obtained from other entities. In the case of small and medium sized customers, LDMI's services will afford such customers the opportunity to acquire many of the services, benefits, and cost savings normally available only to large scaled telecommunications users.

LDMI possesses the technical qualifications and resources needed to provide local exchange service in Illinois. LDMI has highly trained personnel experienced in the provision of local exchange telecommunications services in the states of Indiana, Ohio, Michigan and Wisconsin. LDMI will utilize those personnel, as well as new personnel, to provide technical services, where required, in Illinois. In addition, where LDMI provides resold services, it will be able to rely on the technical experience and expertise of the incumbent carrier.

LDMI intends to purchase services and lease unbundled network elements and facilities from the incumbent carriers, including SBC Illinois, Verizon, and Sprint.

27. Please describe the nature of service to be provided (e.g., operator services, internet, debit cards, long distance service, data services, local service, prepaid local service).

LDMI will provide resold and facilities based local, long distance, internet, data and operator services.

28. Will technical personnel be available at all times to assist customers with service problems?

X YES NO

29. If Applicant intends to provide payphone service, will the equipment utilized comply with FCC requirements and Finding (9) of the Commission Order entered in Docket No. 84-0442 on June 11, 1986, including, but not limited to: (a) touch dialing; (b) access to 9-1-1 and "0" operator dialing without use of a coin; (c) rules governing use of payphones by disabled persons; (d) ability to complete local and long-distance calls; (e) unlimited duration for local calls; and (f) a message explaining the telephone's general operations, dialing instructions for emergency assistance, payphone owner's name, method of reporting service problems and method of receiving credit for faulty calls?

 YES NO

Not applicable.

(Signature of Applicant)

Respectfully submitted,

CLARK HILL, PLC

O'Keefe Ashenden Lyons & Ward

By:

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Attorneys For Long Distance of Michigan, Inc.

LONG DISTANCE OF MICHIGAN, INC.

Date: May 12, 2003

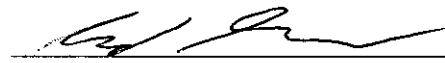
By:

Mr. Jerry Finefrock
Vice President of Regulatory Affairs
LDMI Telecommunications, Inc
8801 Conant Street
Hamtramck, MI 48211

STATE OF MICHIGAN)
) SS.
COUNTY OF WAYNE)


VERIFICATION

I, Brad Shires, first being duly sworn and upon oath, depose and state that I am in the position of Regulatory Affairs with LDMI Telecommunications, Inc., that I have read the above and foregoing petition and know the contents thereof; that said contents are true in substance and in fact, except as to those matters stated upon information and belief, and as to those, I believe same to be true.



Brad Shires

Subscribed and sworn to before me
this 8 day of May, 2003.



Notary

LAURA CZARNOWSKI
Notary Public, Wayne County, MI
My Commission Expires Dec. 26, 2005